

ESTTA Tracking number: **ESTTA63661**

Filing date: **01/25/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Siteco Beleuchtungstechnik GmbH
Granted to Date of previous extension	02/01/2006
Address	Ohmstr. 50 Traunreut, 83295 GERMANY
Attorney information	Catherine J. Holland Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com

### Applicant Information

Application No	78499030	Publication date	10/04/2005
Opposition Filing Date	01/25/2006	Opposition Period Ends	02/01/2006
Applicant	David Tyson Lighting, Inc. P.O. Box 1932 Callahan, FL 32011 UNITED STATES		

### Goods/Services Affected by Opposition

Class 011. All goods and services in the class are opposed, namely: electric light bulbs, lamps and lighting fixtures
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Attachments	3398_001.pdf ( 4 pages )
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Signature	/Catherine J. Holland/
Name	Catherine J. Holland
Date	01/25/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Siteco Beleuchtungstechnik GmbH

Opposer,

v.

David Tyson Lighting, Inc.

Applicant.

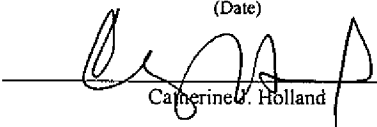
) Opposition No.: \_\_\_\_\_

) Serial No.: 78/499,030

) I hereby certify that this correspondence and all  
) marked attachments are being deposited with the  
) United States Postal Service as first-class mail in an  
) envelope addressed to: Commissioner for  
) Trademarks, P.O. Box 1451, Alexandria, VA 22313-  
) 1451, on:

January 25, 2006

(Date)

  
Catherine L. Holland

**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
Post Office Box 1451  
Alexandria, VA 22313-1451

ATT: BOX TTAB FEE

Dear Sir:

Opposer, Siteco Beleuchtungstechnik GmbH, located and doing business at Georg – Simon - Ohmstr. 50, 83301 Traunreut, Federal Republic of Germany (hereinafter referred to as “Opposer”), believes that it will be damaged by registration of the mark shown in Application Serial No. 78/499,030, filed October 13, 2004 by David Tyson Lighting, Inc., located in Callahan, Florida 32011 (hereinafter referred to as “Applicant”), and hereby opposes the same.

A description of Applicant’s mark is as follows:

Mark	:	SETICO
Serial No.	:	78/499,030
Filed	:	October 13, 2004
Published	:	October 4, 2005
Int’l. Class	:	11
Goods	:	Electric light bulbs, lamps and lighting fixtures

As grounds for opposition, it is alleged:

1. Opposer is a leading manufacturer of interior and outdoor lighting, and offers a variety of related services and customized lighting solutions.

2. Since at least as early as 1935, Opposer and its predecessors have offered a wide variety of interior and exterior lighting products, and engineering and technical consultation services in the field of lighting. Since 1997, Opposer has used the SITECO mark in connection with those goods and services. Opposer's use of its SITECO® mark has been valid and continuous since the date of first use and has not been abandoned. Said SITECO® mark of Opposer is symbolic of extensive good will and consumer recognition built up through substantial amounts of time and effort in advertising and promotion. In view of the fact that the marks and goods of the parties are virtually identical, it is alleged that Applicant's mark so resembles Opposer's SITECO® mark, previously used and not abandoned, as to be likely to cause confusion or to cause mistake or to deceive.

3. Opposer is the owner of U.S. trademark Registration No. 2,745,447 for the mark SITECO® used in connection with "Parts for luminaires, namely, light sensors, push-button controls, potentiometer controls, signal amplifiers, light value switches, switching/dimming devices in the nature of electric light dimmers and electric light dimmer switches for the connection of luminaires to bus operating systems and building lighting management systems, regulators for constant light levels, electrical controllers, electric terminals, electrical cables and cable holders, electrical cable glands; electrical control units for luminaires, consisting of switches, mounting accessories, namely, end caps, electrical connectors, balancing weights and grommets, sold as a unit; fiber optic lighting systems consisting of an optical fiber harness with light emission elements in the nature of prisms, lenses and reflectors; and light pipes in Class 9; lamps; floodlights; spotlights; luminaires; luminaire components, namely, lamp covers, prismatic diffusers, prismatic foils, prismatic panels, reflectors and replacement parts thereof, protective lamp tubes, lamp and light reflectors, ventilating louvers, prismatic lenses and prismatic refractors; secondary lighting systems consisting of luminaires providing highly concentrated glareless light; daylight distribution systems consisting of prisms, prismatic foils, prismatic panels, reflectors and louvers to exploit daylight in Class 11; research and development in the field of lighting techniques; engineering services and technical consultations in the field of

lighting techniques in Class 42.” Opposer’s mark SITECO was registered on the Principal Register on August 8, 2005. A copy of said registration is annexed hereto as Opposer’s Exhibit 1. Said registration is based on an application filed in the United States Patent and Trademark Office on March 19, 1998. Thus, the dates of first use, application and registration of Opposer’s SITECO® mark are all prior to the date of filing of Applicant’s application.

4. Said registration No. 2,745,447 for Opposer’s SITECO® mark is valid, subsisting, unrevoked and uncanceled, and is *prima facie* evidence of the validity of Opposer’s ownership of the mark shown therein and of the exclusive right of Opposer to use said mark in commerce in connection with the goods and services named therein without condition or limitation. The same also serves as constructive notice of Opposer’s claim of ownership of said mark as provided in Sections 7(b), 22 and 33(a) of the Trademark Act of 1946. In view of the fact that the marks and goods of the parties are virtually identical, it is alleged that Applicant’s mark so resembles Opposer’s registered SITECO® mark as to be likely to cause confusion or to cause mistake or to deceive.

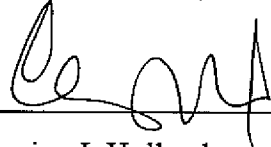
WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 78/499,030 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Please charge Deposit Account No. 11-1410 for any additional fees which may be required, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/25/06

By: 

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2262603  
010406

Int. Cls.: 9, 11 and 42

Prior U.S. Cls.: 13, 21, 23, 26, 31, 34, 36, 38, 100 and 101

United States Patent and Trademark Office

Reg. No. 2,745,447

Registered Aug. 5, 2003

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**SITECO**

SITECO BELEUCHTUNGSTECHNIK GMBH  
(FED REP GERMANY CORPORATION)  
OHMSTR. 50  
83295 TRAUNREUT, FED REP GERMANY

FOR: PARTS FOR LUMINAIRES, NAMELY, LIGHT SENSORS, PUSH-BUTTON CONTROLS, POTENTIOMETER CONTROLS, SIGNAL AMPLIFIERS, LIGHT VALUE SWITCHES, SWITCHING/DIMMING DEVICES IN THE NATURE OF ELECTRIC LIGHT DIMMERS AND ELECTRIC LIGHT DIMMER SWITCHES FOR THE CONNECTION OF LUMINAIRES TO BUS OPERATING SYSTEMS AND BUILDING LIGHTING MANAGEMENT SYSTEMS, REGULATORS FOR CONSTANT LIGHT LEVELS, ELECTRICAL CONTROLLERS, ELECTRIC TERMINALS, ELECTRICAL CABLES AND CABLE HOLDERS, ELECTRICAL CABLE GLANDS; ELECTRICAL CONTROL UNITS FOR LUMINAIRES, CONSISTING OF SWITCHES, MOUNTING ACCESSORIES, NAMELY, END CAPS, ELECTRICAL CONNECTORS, BALANCING WEIGHTS AND GROMMETS, SOLD AS A UNIT; FIBER OPTIC LIGHTING SYSTEMS CONSISTING OF AN OPTICAL FIBER HARNESS WITH LIGHT EMISSION ELEMENTS IN THE NATURE OF PRISMS, LENSES AND REFLECTORS; AND LIGHT PIPES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: LAMPS; FLOODLIGHTS; SPOTLIGHTS; LUMINAIRES; LUMINAIRE COMPONENTS, NAMELY, LAMP COVERS, PRISMATIC DIFFUSERS, PRISMATIC FOILS, PRISMATIC PANELS, REFLECTORS AND REPLACEMENT PARTS THEREOF, PROTECTIVE LAMP TUBES, LAMP AND LIGHT REFLECTORS, VENTILATING LOUVERS, PRISMATIC LENSES AND PRISMATIC REFRACTORS; SECONDARY LIGHTING SYSTEMS CONSISTING OF LUMINAIRES PROVIDING HIGHLY CONCENTRATED GLARELESS LIGHT; DAYLIGHT DISTRIBUTION SYSTEMS CONSISTING OF PRISMS, PRISMATIC FOILS, PRISMATIC PANELS, REFLECTORS AND LOUVERS TO EXPLOIT DAYLIGHT, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FOR: RESEARCH AND DEVELOPMENT IN THE FIELD OF LIGHTING TECHNIQUES; ENGINEERING SERVICES AND TECHNICAL CONSULTATIONS IN THE FIELD OF LIGHTING TECHNIQUES, IN CLASS 42 (U.S. CLS. 100 AND 101).

OWNER OF FED REP GERMANY REG. NO. 39745891, DATED 3-3-1998, EXPIRES 9-30-2007.

SER. NO. 75-453,073, FILED 3-19-1998.

MATTHEW PAPPAS, EXAMINING ATTORNEY